

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 3/13/2018

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PEREZ, HENRY  
BASELICE, RALPH  
BAYRON, JUAN  
CORDERO, JERRY  
EASON, RONALD  
KOONCE, DONALD  
ORO, JOSEPH  
RIOS, RUEBEN JR.  
ROSADO, PEDRO and  
WALTHER, DEREK G. on behalf of themselves and  
others similarly situated,

No. 12 Civ. 4914 (PAE)

Plaintiffs,

v.

THE CITY OF NEW YORK, MICHAEL R.  
BLOOMBERG, AS MAYOR and THE NEW YORK  
CITY DEPARTMENT OF PARKS & RECREATION,  
ADRIAN BENEPE, AS COMMISSIONER,

Defendants.

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**SETTLEMENT AGREEMENT FOR ATTORNEY'S FEES AND EXPENSES**

This Agreement is made and entered into by the Named and Opt-In Plaintiffs ("Plaintiffs"), Plaintiffs' Attorneys and Defendant City of New York on behalf of itself and all other New York City departments, commissions, agencies, related entities, predecessors, successors, trustees, officers, directors and employees, agents, employee benefit plans and the trustees, administrators, and fiduciaries (hereinafter collectively referred to herein as "Defendants") to settle any and all claims for attorney's fees and/or expenses in this action.

Defendants shall deliver to Gladstein, Reif & Meginniss LLP at 817 Broadway, Sixth Floor, New York, New York 10003, three checks in the aggregate amount of \$934,180.50 as payment for attorney's fees and expenses, as follows: (1) one check payable to "District Council 37 Litigation Fund" in the total amount of \$543,780.01, representing full payment of attorneys'

fees and expenses for work performed and expenses paid by District Council 37; (2) one check payable to "Gladstein, Reif & Meginniss LLP" in the amount of \$361,800.49, representing full payment of attorneys' fees claimed for work performed by Gladstein, Reif & Meginniss LLP; and (3) one check payable to "Kenneth Falk" in the amount of \$28,600.00, representing full payment of attorney's fees claimed for work performed by Kenneth Falk.

The City of New York shall deliver each of the foregoing checks to Gladstein, Reif & Meginniss LLP at its address set forth above within ninety (90) days of receipt by Defendants' counsel of all documents necessary to effect settlement of any and all claims by the payee on said check, including (i) the release by that payee of any and all claims for attorney's fees and/or expenses, in the forms annexed hereto as Exhibit A, and (ii) a substitute W-9 completed by said payee, in the form annexed hereto as Exhibit B.

Gladstein, Reif & Meginniss LLP shall be responsible for delivering to each payee the check payable to that payee that is received by said firm from The City of New York.

Upon compliance by The City of New York with the foregoing obligations under this Agreement and in consideration therefor, (a) any and all claims that have been or could be made by Plaintiffs or any of them for attorney's fees and/or expenses in this action shall be deemed withdrawn, and (b) any and all claims for attorney's fees and/or expenses by District Council 37 (including any and all attorneys and/or other persons who performed services on behalf of one or more Plaintiffs while employed by said union), by Gladstein, Reif & Meginniss LLP (including any and all attorneys and/or other persons who performed services on behalf of one or more Plaintiffs while a member or employee of said firm), and/or by Kenneth Falk shall be released by each of the foregoing by execution of a release by each in the form annexed hereto as Exhibit A and shall thereby be resolved.


The Court (Hon. Paul A. Engelmayer) shall have continuing jurisdiction to resolve any dispute(s) arising under or from this Agreement.

IN WITNESS WHEREOF, the undersigned have duly executed this Agreement as of the date(s) indicated below:

Dated: March 9, 2018

**GLADSTEIN, REIF AND  
MEGINNISS, LLP**  
Attorneys for Named and Opt-in Plaintiffs  
817 Broadway, 6<sup>th</sup> Floor  
New York, New York 10003  
(212) 228-7727

**ZACHARY W. CARTER**  
Corporation Counsel of the  
City of New York  
Attorney for Municipal Defendants  
100 Church Street, Room 2-104  
New York, New York 10007  
(212) 356-4015

By:   
James Reif

By:   
Andrea O'Connor  
Assistant Corporation Counsel

**ROBIN ROACH**  
General Counsel  
District Council 37  
125 Barclay Street, 5th Floor  
New York, New York 10007  
(212) 815-1140

By:   
Steven Sykes

**GLADSTEIN, REIF AND  
MEGINNISS, LLP**  
817 Broadway, 6th Floor  
New York, New York 10003  
(212) 228-7727

By:   
James Reif

Kenneth Falk  
Kenneth Falk  
15 West 72nd Street, #12P  
New York, New York 10023  
Dated: 3/8/18

SO ORDERED:  
Paul A. Engelmayer  
Hon. Paul A. Engelmayer  
Dated: 3/13/18

# **EXHIBIT A**

**GENERAL RELEASE FOR ATTORNEYS FEES AND COSTS**

**KNOW THAT** the Plaintiffs in the lawsuit entitled Perez, et al. v. City of New York, Civil Action No. 12 Civ. 4914 (PAE), filed in the U.S. District Court for the Southern District of New York, by and through their counsel, Gladstein, Reif & Meginniss LLP, in consideration of the payment of \$361,800.49 in attorneys' fees ("Fee Settlement Sum") by the City of New York ("City") to be paid by one check payable to "Gladstein, Reif & Meginniss LLP" representing full payment for attorneys' fees, and as provided in the Stipulation of Settlement entered in to by the parties, do hereby release and discharge any and all persons, parties and/or entities, including but not limited to the City of New York and all past and present officials, employees, representatives, servants, and agents of the City of New York including all successors and assigns, from any and all claims for counsel fees, costs, expenses and disbursements accrued by the Plaintiffs, Plaintiffs' Counsel, and/or their attorneys, paralegals, consultants, subcontractors and experts, and/or by any person or entities who consulted with or performed work on their behalf or at their direction, in connection with the above referenced litigation at any time to date. By this release and the Stipulation of Settlement, Plaintiffs and Plaintiffs' counsels agree that the Fee Settlement Sum settles completely and constitutes full satisfactions of any and all claims they have, had, or may in the future have against any party, person, or entity for counsel fees, costs, expenses and/or disbursements incurred in this litigation to date.

This Release may not be changed orally.

THE UNDERSIGNED HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.

IN WITNESS WHEREOF, I have executed this Release this \_\_\_\_ day of March 2018.

Gladstein, Reif & Meginniss LLP

By: \_\_\_\_\_  
James Reif

State of \_\_\_\_\_,  
County of \_\_\_\_\_ SS.:

On March \_\_\_, 2018, before me personally came \_\_\_, an attorney at Gladstein, Reif & Meginniss LLP, to me known, and known to me to be the individual described herein, and who executed the foregoing RELEASE, and duly acknowledged to me that he executed the same and that he was duly authorized to execute the same on behalf of the Plaintiffs, and that he was duly authorized to execute the same on behalf of Gladstein, Reif & Meginniss LLP, and its attorneys, paralegals, consultants, subcontractors and experts as described in the release above.

\_\_\_\_\_  
Notary Public

**GENERAL RELEASE FOR ATTORNEYS FEES AND COSTS**

**KNOW THAT** the Plaintiffs in the lawsuit entitled Perez, et al. v. City of New York, Civil Action No. 12 Civ. 4914 (PAE), filed in the U.S. District Court for the Southern District of New York, by and through their counsel, District Council 37, in consideration of the payment of in the total amount of \$543,780.01, representing full payment of all attorneys' fees and expenses ("Fee Settlement Sum") by the City of New York ("City") to be paid by one check payable to "District Council 37 Litigation Fund" representing full payment for attorneys' fees and expenses, and as provided in the Stipulation of Settlement entered in to by the parties, do hereby release and discharge any and all persons, parties and/or entities, including but not limited to the City of New York and all past and present officials, employees, representatives, servants, and agents of the City of New York including all successors and assigns, from any and all claims for counsel fees, costs, expenses and disbursements accrued by the Plaintiffs, Plaintiffs' Counsel, and/or their attorneys, paralegals, consultants, subcontractors and experts, and/or by any person or entities who consulted with or performed work on their behalf or at their direction, in connection with the above referenced litigation at any time to date. By this release and the Stipulation of Settlement, Plaintiffs and Plaintiffs' counsels agree that the Fee Settlement Sum settles completely and constitutes full satisfactions of any and all claims they have, had, or may in the future have against any party, person, or entity for counsel fees, costs, expenses and/or disbursements incurred in this litigation to date.

This Release may not be changed orally.

THE UNDERSIGNED HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.

IN WITNESS WHEREOF, I have executed this Release this \_\_\_\_ day of March 2018.

District Council 37

By: \_\_\_\_\_  
Steven Sykes

State of \_\_\_\_\_,  
County of \_\_\_\_\_ SS.:

On March \_\_\_, 2018, before me personally came \_\_\_, an attorney at District Council 37, to me known, and known to me to be the individual described herein, and who executed the foregoing RELEASE, and duly acknowledged to me that he executed the same and that he was duly authorized to execute the same on behalf of the Plaintiffs, and that he was duly authorized to execute the same on behalf of District Council 37, and its attorneys, paralegals, consultants, subcontractors and experts as described in the release above.

\_\_\_\_\_  
Notary Public



**GENERAL RELEASE FOR ATTORNEYS FEES AND COSTS**

**KNOW THAT** the Plaintiffs in the lawsuit entitled Perez, et al. v. City of New York, Civil Action No. 12 Civ. 4914 (PAE), filed in the U.S. District Court for the Southern District of New York, by and through their counsel, Kenneth Falk, in consideration of the payment of \$28,600.00 in attorneys' fees ("Fee Settlement Sum") by the City of New York ("City") to be paid by one check payable to "Kenneth Falk" representing full payment for attorneys' fees, and as provided in the Stipulation of Settlement entered in to by the parties, do hereby release and discharge any and all persons, parties and/or entities, including but not limited to the City of New York and all past and present officials, employees, representatives, servants, and agents of the City of New York including all successors and assigns, from any and all claims for counsel fees, costs, expenses and disbursements accrued by the Plaintiffs, Plaintiffs' Counsel, and/or their attorneys, paralegals, consultants, subcontractors and experts, and/or by any person or entities who consulted with or performed work on their behalf or at their direction, in connection with the above referenced litigation at any time to date. By this release and the Stipulation of Settlement, Plaintiffs and Plaintiffs' counsels agree that the Fee Settlement Sum settles completely and constitutes full satisfactions of any and all claims they have, had, or may in the future have against any party, person, or entity for counsel fees, costs, expenses and/or disbursements incurred in this litigation to date.

This Release may not be changed orally.

THE UNDERSIGNED HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.

IN WITNESS WHEREOF, I have executed this Release this \_\_\_\_ day of March 2018.

Kenneth Falk

By: \_\_\_\_\_  
Kenneth Falk

State of \_\_\_\_\_,  
County of \_\_\_\_\_ SS.:

On March \_\_\_, 2018, before me personally came Kenneth Falk, to me known, and known to me to be the individual described herein, and who executed the foregoing RELEASE, and duly acknowledged to me that he executed the same and that he was duly authorized to execute the same on behalf of the Plaintiffs, and that he was duly authorized to execute the same on behalf of Kenneth Falk, and its attorneys, paralegals, consultants, subcontractors and experts as described in the release above.

\_\_\_\_\_  
Notary Public